

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 3066-01
BILL NO.: HB 1898
SUBJECT: Motor Vehicle; Drug and Alcohol Testing for Motor Carriers
TYPE: Original
DATE: February 18, 2000

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON STATE FUNDS | | | |
|---|-----------------|-----------------|-----------------|
| FUND AFFECTED | FY 2001 | FY 2002 | FY 2003 |
| Highway Fund | \$49,012 | \$76,630 | \$73,547 |
| | | | |
| Total Estimated Net Effect on <u>All</u> State Funds | \$49,012 | \$76,630 | \$73,547 |

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2001 | FY 2002 | FY 2003 |
| None | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|-----------------|-----------------|-----------------|
| FUND AFFECTED | FY 2001 | FY 2002 | FY 2003 |
| Local government | \$55,410 | \$66,493 | \$66,493 |

Numbers within parentheses: () indicate costs or losses
This fiscal note contains 6 pages.

FISCAL ANALYSIS

PMM:LR:OD:005 (9-94)

ASSUMPTION

Officials of the **State Public Defender** and **Office of State Courts Administrator** assume this proposal would have no fiscal impact to their agencies.

Officials from the **Department of Revenue (DOR)** assume this proposal would require motor carriers to have in-house drug and alcohol testing program that meets the federal requirements of 49 C.F.R. 382 or be a member of a consortium, as defined in 49 C.F.R. 392.107 that provides testing that meets the federal requirements. Motor carriers are required to report positive alcohol and drug test results to the DOR. The DOR must enter information regarding drug and alcohol test failures on the driving records of commercial driver licensees.

The alcohol and drug test information has been included in the definition of "Personal Information" in section 32.091. However, before releasing information regarding an alcohol or drug test failure, the DOR must receive written permission from the individual who failed the test.

Administrative impact - Drivers License Bureau, Division of MV/DL

The Drivers License Bureau (DLB) contacted the Missouri Motor Carriers Association in order to discuss the guidelines for this program. The Motor Carriers Association advised that the federal guidelines require the alcohol and drug test failure information be maintained for at least two years. This proposal requires positive results of an alcohol or drug test to be reported to the DOR. The department will enter the positive test results on the driving record of the commercial driver licensee. The information regarding the positive test results cannot be disclosed without written consent of the licensee. This will require the DLB to create new "protected" record criteria to prevent disclosure of the information without written consent from the licensee.

The Motor Carrier Association has advised that all new drivers hired by a motor carrier are required to be tested for alcohol and drugs. All other drivers employed by the motor carrier must be randomly tested by the carrier. Random testing must be done on 50% of the carrier's drivers per year. According to DLB records, there are 237,232 CDL drivers and 23,480 new drivers added annually. This would result in 142,096 alcohol and drug test administered each year.

| | |
|----------|---|
| 23,480 | New CDL Drivers |
| +118,616 | 50% Random Tests Administered (237,232 current CDL drivers x 50%) |
| 142,096 | Alcohol and Drug Tests Administered Annually |

ASSUMPTION (continued)

Based on discussions with the Motor Carriers Association and an evaluation of commercial drivers licenses suspended under the school bus alcohol and drug testing suspension process (see section 302.276 RSMo.), it is estimated that 6% of alcohol and drug tests will result in a positive result. Therefore, 8,526 positive alcohol or drug tests would have to be entered by DOR on the individual's CDL record.

| | |
|---------|--|
| 142,096 | Alcohol and Drug Tests Administered Annually |
| x 6% | Percent of Positive Results |
| 8,526 | Positive Results Reported to DLB |

The DLB would require one Clerk Typist II to edit and key the positive drug tests into the driving record.

The DLB assumes every new commercial driver licensee (23,480) could potentially become a new employee of a motor carrier that would then require the DLB to respond to requests for information regarding positive drug test failures. In addition, the DLB estimates a 20% turnover in current CDL driver employment. These drivers who are later re-employed by another carrier would result in additional requests to the DLB regarding positive drug tests. Therefore, the total anticipated requests for positive drug test information would be 70,926 annually, calculated as follows:

| | |
|----------|--|
| 237,232 | Current CDL Drivers |
| x 20% | Turnover Rate |
| 47,446 | Re-employed CDL Drivers |
| + 23,480 | New CDL Drivers |
| 70,926 | Requests for positive drug test information. |

Based on the estimated number of requests per year, four Clerk Typist II's would be required to respond to employer requests for positive drug test results.

Total anticipated costs for personal services is \$105,973 in FY01, \$130,346 in FY02 and \$133,606 in FY03.

State Data Center Costs

The State Data Center Costs are estimated to be \$2,976 for FY01 only.

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ASSUMPTION (continued)

The Drivers License Bureau will charge \$3.75 per request for a copy of the test results, resulting in anticipated revenue of \$265,973 annually, to be split between the Highway Fund, Cities and CART.

| | |
|-----------|---------------------------|
| 70,926 | Requests for Test Results |
| x \$3.75 | Cost for Document(s) |
| \$265,973 | Revenue Increase |

FY01

| | |
|-----------|----------|
| \$166,233 | Highway |
| \$33,247 | Cities |
| \$22,164 | Counties |

FY02 and 03

| | |
|-----------|----------|
| \$199,479 | Highway |
| \$39,896 | Cities |
| \$26,597 | Counties |

Oversight adjusted the costs to comply with Office of Administration guidelines.

| <u>FISCAL IMPACT - State Government</u> | FY 2001 (10 Mo.) | FY 2002 | FY 2003 |
|---|------------------------|------------------------|------------------------|
| HIGHWAY FUND | | | |
| <u>Income - Department of Revenue</u> | | | |
| Requests for tests | \$166,233 | \$199,479 | \$199,479 |
| <u>Cost - Department of Revenue(DOR)</u> | | | |
| Personal Service - 5 FTE | (\$73,150) | (\$92,224) | (\$94,530) |
| Fringe Benefits | (\$22,494) | (\$28,359) | (\$29,068) |
| Expense and Equipment | (\$21,576) | (\$ 2,226) | (\$ 2,334) |
| Total <u>Costs</u> - DOR | (\$117,220) | (\$122,849) | (\$125,932) |
| ESTIMATED NET EFFECT ON HIGHWAY FUND | <u>\$49,013</u> | <u>\$76,630</u> | <u>\$73,547</u> |

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| <u>FISCAL IMPACT - Local Government</u> | FY 2001 (10 Mo.) | FY 2002 | FY 2003 |
|--|------------------------|------------------------|------------------------|
| LOCAL | | | |
| <u>Income - Cities</u> | | | |
| Request Fees | \$33,246 | \$39,896 | \$39,896 |
| <u>Income - County Aid Road Trust Fund</u> | | | |
| Request Fees | \$22,164 | \$26,597 | \$26,597 |
| ESTIMATED NET EFFECT ON LOCAL FUNDS | <u>\$55,410</u> | <u>\$66,493</u> | <u>\$66,493</u> |

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal requires every motor carrier to have an in-house drug and alcohol testing program for its commercial drivers that meets federal requirements or be a member of a consortium that provides testing that meets federal requirements.

Any valid positive test results taken by a motor carrier's testing program or consortium must be reported to the Department of Revenue. A commercial driver's license record of any commercial driver must include all reports of drug and alcohol test results. The department must disclose the results of any drug and alcohol testing information with written permission from the subject of the report. Any person who violates these provisions is guilty of a class A misdemeanor.

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SOURCES OF INFORMATION

Department of Revenue
State Courts Administrator
State Public Defender

NOT RESPONDING: Attorney General's Office

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive "e" at the end.

Jeanne Jarrett, CPA
Director
February 18, 2000